

Message Text

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14

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INFO OCT-01 EA-11 ISO-00 EB-11 COME-00 TRSE-00 AID-20

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DRAFTED BY:OPIC/GC:CECIL HUNT

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FM SECSTATE WASHDC

TO AMEMBASSY BANGKOK

UNCLAS STATE 207118

E.O. 11652: N/A

TAGS: EIND, TH

SUBJECT: CALABRIAN

REF: (A) BANGKOK 16182; (B) STATE 192440; (C) STATE 190906

1. ARE WE CORRECT IN ASSUMING THAT IF PARTIES AGREE TO INTRODUCTION MAY 12, 1969 MICOU LETTER PER REFTTEL PARA 4 THIS WOULD MEAN POSTPONING NOV. 2 MICOU DEPOSITION PENDING THAI COURT ACTION ON LETTER AT NOVEMBER 6 HEARING? IF SO, OPIC REACTION IS DECIDEDLY FAVORABLE, AS THIS PROCEDURE SHOULD SAVE TIME AND EXPENSE.

2. OF THE DOCUMENTS LISTED REF B PARA 1(C), THE MICOU LETTER SEEMED TO RAISE GREATEST DOUBTS RE ADMISSABILITY, BEING AFTER-THE-FACT RECAPITULATION PREPARED FOR USE BY COUNSEL. IS WIPHAT CONCERNED THAT (A) THIS IS DELAY TACTIC BY PLAINTIFFS WHO EXPECT COURT TO BAR LETTER OR INSIST ON DEPOSITION AS WELL OR (B) PLAINTIFF'S COUNSEL WILL AGREE TO ADMISSION AND THEN CHALLENGE PROBATIVE WEIGHT OF LETTER? WOULD MUCH PREFER TO SEE LETTER ADMITTED AS ONE OF PACKAGE OF PERTINENT DOCUMENTS CITED REF B, UNCLASSIFIED

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BUT DEFER TO WIPHAT JUDGMENT OF WHAT IS NECESSARY AND ACHIEVABLE

UNDER THE CIRCUMSTANCES.

3. REQUEST CLARIFICATION WHETHER OR NOT AGREEMENT OF PARTIES AS TO DEPOSITION MAKES IT UNNECES TO RESORT TO CUMBERSOME AND TIME CONSUMING PROCEDURE INVOLVING REQUEST FROM THAI COURT TO U.S. COURT. (SEE STATE 173435).

4. RE UNUSUAL REQUEST BY PLAINTIFF'S COUNSEL AS TO REPORTING SERVICE FOR DEPOSITION, ANY OF THE LARGER WASHINGTON SERVICES IS SATISFACTORY TO OPIC. PROPOSE WARD AND PAUL, ACE-FEDERAL REPORTERS, INC. (HANDLED THE ARBITRATION) OR COMMONWEALTH REPORTING CO.

5. URGE SPEEDY RESPONSE TO PERMIT TIMELY NOTICE TO MICOU AND ACTION TO AUTHENTICATE HIS LETTER PER REF C PARA 2 IF THIS PROCEDURE DEEMED NECESSARY BY YOU. KISSINGER

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